

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Raquel Velasquez	Team: Squad #11	CCRB Case #: 201405178	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 05/20/2014 10:12 AM	Location of Incident: Siegel Street and Bogart Street; 90th Precinct stationhouse	Precinct: 90	18 Mo. SOL 11/20/2015	EO SOL 11/20/2015	
Date/Time CV Reported Wed, 05/21/2014 6:34 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 05/27/2014 11:20 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Muritala Shebioba	21672	945311	090 PCT
2. POM Stephen Sheppard	13816	945001	090 PCT
3. SGT Barbara Sullivan	03778	924528	090 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Joseph Zaikowski	05130	931470	090 PCT
2. POM Francisco Martireyes	15296	951972	090 PCT
3. POM Domenico Iadevaia	23899	935931	090 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Muritala Shebioba	Force: At Siegel Street and Bogart Street in Brooklyn, PO Muritala Shebioba used physical force against § 87(2)(b)	
B.POM Stephen Sheppard	Force: At Siegel Street and Bogart Street in Brooklyn, PO Stephen Sheppard used physical force against § 87(2)(b)	
C.POM Muritala Shebioba	Discourtesy: At the 90th Precinct stationhouse, PO Muritala Shebioba spoke discourteously to § 87(2)(b)	
D.SGT Barbara Sullivan	Abuse: At the 90th Precinct stationhouse, Sgt. Barbara Sullivan threatened § 87(2)(b) with the use of force.	

Officer(s)	Allegation	Investigator Recommendation
E.POM Muritala Shebioba	Abuse: At the 90th Precinct stationhouse, PO Muritala Shebioba threatened § 87(2)(b) with the use of force.	

Case Summary

On May 20, 2014, at approximately 10:12 a.m., PO Muritala Shebioba and PO Stephen Sheppard, from the 90th Precinct arrested § 87(2)(b) for § 87(2)(b) at Siegel Street and Bogart Street in Brooklyn. While effecting his arrest, PO Shebioba and PO Sheppard allegedly punched § 87(2)(b) repeatedly (**Allegations A and B**). § 87(2)(b) was transported to the 90th Precinct stationhouse. While in the holding cell, PO Shebioba allegedly spoke discourteously to § 87(2)(b) (**Allegation C**) and Sgt. Barbara Sullivan and PO Shebioba allegedly threatened to use force against § 87(2)(b) (**Allegations D and E**).

Mediation, Civil and Criminal Histories

This case was not mediation eligible. § 87(2)(b) did not file a Notice of Claim (See Board Review: Notice of Claim Results). § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (see Board Review 15).
- PO Shebioba has been a member of the NYPD for 7 years, and there are no substantiated CCRB allegations against him.
- PO Sheppard has been a member of the NYPD for 7 years, and has 4 substantiated CCRB allegations against him. In CCRB case number 20084416, an allegation of Abuse of Authority- Question was substantiated. The CCRB recommended command discipline; the NYPD did not issue any disciplinary action. In CCRB case number 201402388, allegations of Abuse of Authority- Stop, Frisk and Search of person were substantiated. The CCRB recommended command discipline; NYPD disposition is pending.
- Sgt. Sullivan has been a member of the NYPD for 15 years and there are no substantiated CCRB allegations against her. This is Sgt. Sullivan's first CCRB complaint.

Finding and Recommendations

Allegations Not Pleaded

§ 87(2)(g)

Explanation of Subject Officer Identification

Sgt. Sullivan is listed as the reporting officer on the ESU Report prepared in regards to § 87(2)(b) (see Board Review 9) and her tour and assignment are confirmed by NYPD documentation (see Board Review 8 and 13). § 87(2)(g)

Recommendations

Allegation A- At Siegel Street and Bogart Street in Brooklyn, PO Muritala Shebioba used physical force against § 87(2)(b)

Allegation B- At Siegel Street and Bogart Street in Brooklyn, PO Stephen Sheppard used physical force against § 87(2)(b)

§ 87(2)(b) alleged that PO Shebioba and PO Sheppard grabbed his arms and torso and pushed his head towards the ground. The officers told § 87(2)(b) to stop resisting and get on the ground. § 87(2)(b) admitted that he held his body up because he did not want to fall and hit his face, but otherwise, did not move. PO Shebioba then allegedly punched § 87(2)(b)

once under the right eye and PO Sheppard punched him three times in the left ribs. § 87(2)(b) moved his hip away due to the impact, but his arms were at his sides and he did not hold them stiff nor pulled them away. PO Shebioba then grabbed § 87(2)(b) by his waist and head and pulled him to the ground. § 87(2)(b) landed face first. PO Shebioba and PO Sheppard allegedly held § 87(2)(b)'s face against the ground and PO Shebioba allegedly punched § 87(2)(b) three more times under the right eye. Approximately 20 to 30 uniformed officers approached and surrounded § 87(2)(b) at which point he was handcuffed. PO Shebioba and PO Sheppard then lifted § 87(2)(b) up and shoved him towards the marked car, causing him to hit his left shoulder. § 87(2)(b) stated that he received a black eye and pain in his ribs from being punched, and scrapes and bruises on his legs, arms, and face from being shoved against the ground. (see Board Review 18).

In § 87(2)(b)'s medical records from § 87(2)(b), he denied having injuries or trauma. He initially complained of a headache after being hit by officers but later stated that he sustained a headache because he was "banging his head on the wall because he was mad that he was locked up." He also requested psychiatric evaluation. EMS reported that § 87(2)(b) was acting irrationally and violent in the cell. The medical records reveal that he was agitated and restrained in a body bag. § 87(2)(b) was unable to be assessed as he refused to answer questions, and acted irrationally. § 87(2)(b) was transferred to the psychiatric department for an evaluation. § 87(2)(b) was diagnosed with bipolar disorder and a headache. None of the injuries § 87(2)(b) said he received were documented (See Medical Records).

§ 87(2)(b) stated that after identifying § 87(2)(b) as the perpetrator, he turned his back because he did not want to see him. When § 87(2)(b) began screaming, § 87(2)(b) looked at § 87(2)(b) and saw him lying face down and flat on the ground. Four officers surrounded § 87(2)(b) and held his back down while one officer handcuffed him. § 87(2)(b) resisted by shaking his body and trying to escape. § 87(2)(b) deduced that officers did not hit or punch § 87(2)(b) because he did not hear any sounds that sounded like hits or punches. § 87(2)(b) did not see any injuries on § 87(2)(b) (see All Media Files: § 87(2)(b) comment section).

According to PO Sheppard, § 87(2)(b) resisted arrest by flailing his arms and attempting to flee. The officers told § 87(2)(b) to stop resisting and place his hands behind his back, but § 87(2)(b) did not comply. PO Sheppard then brought § 87(2)(b) to the ground to gain control and overcome § 87(2)(b)'s resistance. PO Sheppard and PO Iadevaia held onto § 87(2)(b)'s arms and torso to control his fall. PO Shebioba also assisted in restraining and handcuffing § 87(2)(b). PO Sheppard denied punching or seeing PO Shebioba punching § 87(2)(b) in the face or ribs, holding § 87(2)(b)'s face against the ground, or pushing § 87(2)(b) towards a vehicle. PO Sheppard did not observe any injuries on § 87(2)(b). PO Sheppard and PO Shebioba transported § 87(2)(b) to the stationhouse. En route, § 87(2)(b) tried to kick out the back window and hit his head against the glass divider. § 87(2)(b) remained combative at the stationhouse by yelling at Sgt. Sullivan, threatening to spit at PO Martireyes and fight officers, kicking other prisoners, banging his head against the cell door and kicking the cell door and the bathroom door when he was moved away from other prisoners. Sgt. Sullivan then determined that § 87(2)(b) was an emotionally disturbed person and called ESU. § 87(2)(b) was also combative with the ESU officers so he was placed in a restraining bag and escorted to § 87(2)(b) (See PO Sheppard statement).

§ 87(2)(g) PO Shebioba denied having physical interaction with § 87(2)(b) (See PO Shebioba statement). Sgt. Zaikowski's and PO Iadevaia's testimony was also consistent with PO Sheppard's. (see Sgt. Zaikowski and PO Iadevaia statements). PO Martireyes, who was assigned as the cell attendant, corroborated PO Sheppard's testimony regarding § 87(2)(b)'s behavior (see PO Martireyes statement).

§ 87(2)(b)'s arrest photograph does not show any visible injury (see Board Review 10).

§ 87(2)(g)
[REDACTED]

Patrol Guide Procedure 203-11 states that officers must use a minimal amount of force when effecting an arrest (see Board Review 19).

§ 87(2)(g)
[REDACTED]
[REDACTED].

Allegation C- At the 90th Precinct stationhouse, PO Muritala Shebioba spoke discourteously to § 87(2)(b)

Allegation E- At the 90th Precinct stationhouse, PO Muritala Shebioba threatened § 87(2)(b) with the use of force.

§ 87(2)(b) was taken to the 90th Precinct stationhouse and was escorted to the holding cell area. § 87(2)(b) stated that he asked for water or food; PO Shebioba allegedly replied, "No, you're not getting shit." Approximately five minutes later, § 87(2)(b) began hitting the wall so that the officers would give him water. PO Shebioba allegedly told § 87(2)(b) "We're going to tase you if you don't stop banging."

The prisoners in the holding cell, § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) did not participate in this investigation (see Board Review 17).

PO Shebioba's denied telling § 87(2)(b) "No, you're not getting shit" or, "We're going to tase you if you don't stop banging."

PO Sheppard, Sgt. Zaikowski, PO Iadevaia, and PO Martireyes denied hearing PO Shebioba use profanity towards § 87(2)(b) or threatened him with force.

§ 87(2)(g)
[REDACTED]

Allegation D- At the 90th Precinct stationhouse, Sgt. Barbara Sullivan threatened

§ 87(2)(b) **with the use of force.**

§ 87(2)(b) also alleged that when he hit the wall and asked for water, Sgt. Sullivan stated, “Tell him we’re going to tase him if he doesn’t stop banging.”

§ 87(2)(b) Sgt. Sullivan, § 87(2)(b) is unable to provide a statement regarding this case (see Board Review 16). § 87(2)(g)

Pod: _____

Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date